

REPORT
OF
THE COMMISSIONERS
APPOINTED TO EXAMINE INTO THE PRESENT CONDITION
OF THE
HARBOUR OF SAINT JOHN,
AND TO REPORT THE SAME
TO
HIS EXCELLENCY
THE LIEUTENANT-GOVERNOR
OF THE
PROVINCE.
WITH
VARIOUS DOCUMENTS
RELATING THERETO.

SAINT JOHN:

PRINTED BY HENRY CHURCH, MARKET-SQUARE.

1839.

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DOCUMENTS.

No. 1.

To His Excellency Major-General Sir JOHN HARVEY,
K. C. H. and C. B., Lieutenant-Governor and Com-
mander-in-Chief in and over the Province of New-
Brunswick, &c. &c. &c.

*The Petition of the Mayor, Aldermen and Commonalty of the
City of Saint John, in Common Council convened,*

MOST RESPECTFULLY SHEWETH ;—

That by the Charter of the said City, confirmed by an Act of the Provincial Legislature, the Mayor, Aldermen, and Commonalty of the City of Saint John, are made “the Conservators of the Water and the River, Harbour and Bay of the said City, and to them is also given the sole power of amending and improving the said River, Bay, and Harbour, for the more convenient, safe, and easy navigating, anchoring, riding, and fastening the Shipping resorting to the said City, and for the better regulating and ordering the same ;” and Your Petitioners have from time to time made and enacted divers wholesome Laws and Ordinances for the preservation and protection of the said Harbour, and have endeavoured to cause the provisions thereof to be duly enforced.

That, notwithstanding these endeavours on the part of Your Petitioners, it is found that a yearly increase of soil is made to the shores of the said Harbour, more than ought to be by mere alluvion, and that the line of low water, which a

few years ago was at the end of several of the wharves, has now receded from the same wharves to the distance, in some instances, of more than thirty feet, thereby encroaching upon the anchoring ground of the said Harbour; and although, at this time, no great detriment, if any, has taken place, yet, if this continuing increase to the shore should be allowed to go on, without measures being taken to check it, the said anchoring ground might become reduced to the breadth of the channel of the River, and incalculable damage would be done. What these measures should be, can only be ascertained from the judgment and experience of disinterested individuals.

Your Petitioners, in bringing this matter under Your Excellency's consideration, are solely actuated by the desire of doing their duty faithfully, as Conservators of the Water and River, Harbour and Bay of the said City, and of preserving those rights and privileges, entrusted to them for the general good, uninjured; and they are exceedingly desirous that the subject of this their Petition, and all other matters connected with the said Harbour, may be fairly, judiciously, and impartially investigated by competent persons, upon whose reports and suggestions, Legislative enactments may, if necessary, be founded, whereby the dreaded evil may be avoided.

Your Petitioners, therefore, most respectfully pray, that Your Excellency will be pleased to direct and require such competent persons as to Your Excellency may seem meet, to make an enquiry into these matters, and make such reports and suggestions thereon as the nature of the case may warrant, and they may consider advisable.

In testimony whereof, the said Mayor, Aldermen, and Commonalty of the City of Saint John have caused the Common Seal of the said City, under the hand of the Mayor, to be hereunto affixed.

ROBERT F. HAZEN,

[L. S.]

MAYOR.

By order of the Common Council,

JAS. PETERS, JUN.

Common Clerk.

No. 2.

SECRETARY'S OFFICE,
Fredericton, 14th October, 1837. }

GENTLEMEN,—

The Corporation of Saint John having applied to His Excellency the Lieutenant-Governor for the appointment of Persons to examine and report upon matters relating to the Harbour of Saint John—His Excellency has nominated you for that service. I have the honor, therefore, to transmit to you the Petition of the Corporation, and to request that you will make inquiry into the matters set forth therein, and make report for His Excellency's information.

I have the honor to be,

Gentlemen,

Your obedient Servant,

WM. F. ODELL.

ROBERT F. HAZEN, Esq. *Mayor,*
 JOHN WARD, Jun. Esq.
 DANIEL LEAVITT, Esq.

No. 3.

Saint John, 26th October, 1837.

SIR,—

Being desirous of obtaining as much information as possible touching the important matters relating to the Harbour of Saint John, upon which we have been required by His Excellency the Lieutenant-Governor to report, we will thank you to give us your opinion, either in writing or verbally, on the following points, and upon all others that may occur to you, as connected with the subject of our inquiry—viz :

1. The principal cause of the great additions made to the shore between high and low water marks, and the best method of preventing the same.
2. The effect of extending wharves below the line of low water.
3. The best mode of constructing wharves in the Harbour of Saint John.

We meet at the Mayor's Office every Tuesday, at noon, for the purpose of receiving information on the above subjects.

We are, Sir,

Your obedient Servants,

ROBERT F. HAZEN, *Mayor*,
JOHN WARD. JUN.
DANIEL LEAVITT.

To ——— ———

No. 4.

Saint John, 14th November, 1837.

GENTLEMEN,—

I beg leave to acknowledge the receipt of your letter, requesting information touching the condition of this Harbour.

Civil engineers find few undertakings which require greater caution than alterations in the form of harbours, and in an especial degree will this apply where an important river discharges into the sea, and where the rise and fall of the tide are so great. In noticing the features of this harbour, and suggesting the best means, according to my views, for keeping it clear from shoals, I will confine myself within such limits as may rather evince my having considered the importance of the subject, than having gone into all the details regarding the existing or apprehended evils.

The River St. John, from its source, and the head waters falling into it from various lakes and streams, embraces an extent of about two hundred miles in length, in a direct line to this City, and the country watered by its tributaries, including both sides of the river, may average one hundred miles in breadth, so that rains and snows forming the Saint John, fall on a district of about 20,000 miles square; and if we admit the average annual quantity to measure only three and a half feet in depth of water over that surface, we will instantly perceive the astonishing quantity of water every season discharged into the harbour, particularly as exhalations in this climate are not extensive, and cultivated land, as yet, absorbs so small a portion of moisture. Such a vast body of water will, I think, for ever secure the keeping clear and open our small Harbour, provided the momentum be judiciously directed. I am further induced to think, that as the country settles, the bed of the River will become elevated, owing to sand, soil, and gravel washed into it from the ploughed lands, &c. &c.; and, if so, and the River bed should be elevated even a few feet, no salt water would ever pass the Falls; already is it found that the average fall of the River at Indian Town, after seven to eight hours ebb, has only lessened the depth of water there, some sixteen to eighteen or nineteen inches. Should the waters of the St. John run only in one direction, this Harbour would, of course, be

so much the more protected from filling up, or being injured by deposits; but such considerations need little engage the attention of the present generation.

Almost every extensive River (indeed I know no exception beyond the Saint Lawrence and the Saint John,) falls into the sea amidst shoals and sand bars, where the adjoining lands are low, and where the mass of waters force their way by various mouths into the ocean. Our River, on the contrary, leaps at once from its rocky and narrow outlet at the Falls, and in an unbroken volume, into this Harbour, and of a breadth much diminished from what it held at Madawaska. This peculiarity also favours the keeping our Harbour safe, provided the waters are employed as the main agent in the work, and provided also that the Harbour is in width made in some considerable degree to comport with the breadth required for merely voiding the River waters.

The stream should in no case be broken, when such can be avoided—nor should it be allowed to expand beyond what *is absolutely requisite*, even if Tug Boats may thereby be rendered necessary. As the Harbour begins at where a line would pass between the house of Mr. G. JORDAN and Navy Island, the breadth there at low water may be estimated as the extent required for voiding the waters of the Saint John, if a like depth be held from there to the Bay of Fundy.—From Mr. JORDAN's house to Mr. RANKIN's stores, the sooner a continued wharf of smooth exterior, is built, nearly on low water mark line, the better—thence, in same manner, to York Point, leaving, of course, an entrance or draw-bridge, above, and two below RANKIN's wharves, in order that timber may pass into and from the Ponds—thence, down the Harbour, to REED's Point, let the wharves be built out to a given line, with the sweep allowed for this line as little beyond the original shape of the Harbour, prior to the year 1783, and before sediment had begun to fill it up, as its now state will allow.—From REED's Point, or Saint James's street, a wharf with two openings, should be built to the Breakwater.

On the west side of the Harbour, from the N. E. end of Navy Island, it is my opinion that a line of wharves should extend to Sand Point, leaving the necessary openings inwards to the upland skirting the Mill Pond; and thus shutting up Butter-milk Channel, which is extending, and through which Navy Island is being washed into the very best part of the Harbour. How far the movements of Wood Boats would be retarded in the spring, by shutting up But-

ter-milk Channel, I will not presume to say; but any such drawback to the public must vastly exceed my views of it, if it should be allowed to interfere with so material a feature in the improvement of the Harbour. From Sand Point to the Beacon Light House, nature has assisted, by throwing up a Bar, which guides the voiding of the waters at and after half-tides—and, unless the erection of a wharf along that Bar should interfere with small vessels when turning in, such will probably at some future period take place, and so prevent any roll of sea into the Harbour from the west.

No wharf should be erected unless of squared timber, close, planked on the top, and ballasted with stone. The whole space from Union-street to Saint James's-street, is small—indeed the Harbour is not only contracted, but incapable of being enlarged, especially on the eastern side, so that much care should be taken to prevent its diminution, which can in no way be so effectually done as by inducing persons owning water properties to improve them to the utmost, and keeping a sufficiency of slips and landing wharves, the former of which should in every case be grid-ironed, and the latter kept in the best order, and planked on the top.—Navigation suffers here from the slips not being cross-wayed or grid-ironed, and often from the loss of time consumed in waiting till the wharves are fit, or, in other words, dry and clean, to land goods on. The Wharfage Law is such as must forever make it the interest of water-property owners to cover the flats owned by them with stores—and one slip after another is found to be shut up by bridges for lumber, &c. &c.

One of the three queries put to me is—"The principal cause of the great additions made to the shore between high and low water marks, and the best method of preventing the same." I have stated my opinions as to the best means of preventing further injury to the Harbour, and believe they will be found correct. Dredging Machines may, and, no doubt, will, be soon in use, but no moderate outlay of money can prevent the filling up of the Harbour from the North Market Wharf towards Mr. RANKIN'S, until the actual channel of the River there is arrived at. In that quarter, the deposits during the last thirty years have been excessive; but it would exceed the limits of a letter, were I to go fully into an inquiry concerning what has caused such an accumulation of mud, slime, &c., and, as different opinions may be held, I probably might be wrong in my conjectures. The principal agent, in my opinion, is the alluvial soil floated down the River: and this is an evil which cannot be lessened, but must, on the contrary, increase exactly in proportion as

the wilderness lands decrease, and the plough is used. The evil effects of this agent can only be met in one way—viz. by allowing the River waters to fall into the Bay of Fundy as speedily after passing the Falls, and with as few resting places or eddies, as is possible.

The wasting of Navy Island—the building of wharves, and consequent increase of eddies—the insufficiency of the Breakwater, which receives, but for the want of a north and south range, does not retain, the ballast—the washings from the streets and wharves of the City—the vast quantity of soil washed into the Harbour from changing the Portland Mill Creek—saw dust—ballast from ships—slabs—sunken timber—chips from timber and ship yards, and various other causes, have combined to effect the astonishing changes which have arisen.

New-Brunswick possesses more land capable of cultivation, probably, than Ireland, and much more than Scotland, while this Harbour and that of Saint Andrews are its only ports, for six months in the year, to which a sea-going vessel can repair. If we find the Harbour confined in 1837, what will it probably be even in a period of time, hence, equal to what has elapsed since its shores were landed on in 1783.—This should be fully considered by the Legislature of the Country, as well as by the City authorities, though, in all probability, “sufficient for the day is the evil thereof” will be urged, and the public will only begin seriously to inquire into the state of the Harbour, and the best mode of improving it, when its limits are much contracted, and the expense of applying a remedy, enormous—it is ever so. *Prior to 1802, London had no Docks*, and her trade suffered beyond description. Liverpool, from the violence of the Mersey, was a century before London in regard to Docks, and her trade has grown in proportion. In 1772, the Colony of Massachusetts passed their Dock or Wharfage Act, and, in consequence of their fine wharves, a vast trade has been drawn to Boston. Wherever adequate attention is paid to this subject it repays the public a thousand fold for the outlay, and probably one of the very best things that our Legislature could do, would be the procurement of the opinions of a competent Civil Engineer on the subject of our Harbour, and then, as the Imperial Parliament did in Liverpool, make the improvements, and turn them over to the City whenever they repaid the amount and interest. In all probability, this Harbour will be reduced in breadth nearly to the extent of the Thames, at the entrance of Saint Catherine's Dock, the Tunnel, &c. (one thousand feet,) before the eddies which now do so much injury, are destroyed.

If a Wharf is run from Saint James's-street to the Breakwater, leaving two openings of seventy to eighty feet wide, a safe tide-harbour would be secured for small vessels at all parts, and for large ones at many places within that range, and as the greater part of the ground is yet vacant, and belongs to the Corporation, it could not be so well disposed of as by being devoted to this purpose, and improved according to a plan now to be determined on, and adhered to. Many merchants would be willing to effect the improvements, and be paid for them at the convenience of the Corporation, which would then resume the property. I admit that trade never runs to the lower parts of a Harbour bordering on a peninsula, and where the roads leading into the country, must, of course, lead from the upper parts,—but necessity has no law: and as our Harbour is so contracted, and never can, on the Eastern side, be enlarged, small craft must, and will, go to the Lower Cove, when they find it difficult to procure landings higher up.

On the Western side of the River, a range of Wharves from the N. E. angle of Navy Island to Sand Point, would leave to the Westward a large and most valuable space, where shipping to a great extent might be berthed, and their cargoes placed on wharves alongside of them. This arrangement, I admit, would interfere with a Corporation Lease for a Mill Pond, but no such consideration ought to prevent that property from being, at some future day, laid open to the public. Let the party interested be paid in the most liberal manner for his improvements, and for any injury which the non-renewal of the lease may cause—but let not this last and best spot for the purpose of a Dock, be lost to the public.

While I had the honour of being Mayor of this City, from 1829 to 1832, I took much pains in drawing the attention of the Legislature to the state of the Harbour, and have ever since, as you are aware, urged its importance on the Common Council, and now rejoice that an investigation has commenced, which, if it does not lead to the adoption of measures to obviate the more serious difficulties, may at all events determine the present bounds of low water mark in all parts of the Harbour, and the range to which wharves may be built, westwardly, on the part of the Harbour ranging from Mr. RANKIN's stores, to the Breakwater.

I remain, Gentlemen,

Your most obedient Servant,

LAUHLAN DONALDSON.

To the Commissioners appointed
to report on the state of the
Harbour of Saint John. }

No. 5.

Saint John, N. B., November, 1837.

GENTLEMEN,—

I have to acknowledge the receipt of your communication of 26th October, containing certain queries respecting the Harbour of this Port. As the state of the Harbour is a consideration of great importance, not only to the interests of this City, but to the Province generally, it being the principal Shipping Port, for the exports of the western section of New-Brunswick, I have much pleasure in answering your queries, so far as my limited knowledge will permit.

In answer to your first query, my opinion is, that several causes produce the effect "of the great additions made to the shore between high and low water marks." One is, the irregular length to which the several wharves have from time to time been projected into the Harbour, causing eddies, which throw the mud and other matter floating with the tide into the different slips between the wharves, and on the flats adjacent to them; and from the inefficient state of the Breakwater, much of the lighter ballast thrown on the south side of it, is brought up into the Harbour by the flood tide, and deposited in different places;—the wash of the streets also runs into the different slips, where it remains—being kept in by the eddies, caused as before stated. The practice of covering *open* wharves with gravel and slate stone, has a very great tendency to add to the shores, as almost every full tide starts the under part of such covering, and much falls through: the holes thus made, are again filled up with the same material, which is also precipitated into the water. Much of the addition thus accumulated, would be prevented by not allowing the deposit of any gravel, or slate, &c. on the wharves, and by removing that already there, as a great part, if not the whole, must be precipitated on the shores, on the decay of the present wharves. The accumulation, by wash of the streets, cannot, that I am aware, be prevented, but recourse must be had to dredging machines to remove it when it becomes serious.

The eddies, I think, would be much lessened, if the wharves were all projected into the Harbour to a prescribed distance, the heads of the different wharves ranging with each other, and also with the set of the tides; the tide thus running true, would carry every thing floating with it, out of

the main channel, and prevent, in a great degree, the additions being made to the shores by the cause first mentioned.

The effect of extending wharves below low water mark, has been certainly to contract the Harbour, but a benefit has also been derived from it, by the additional accommodation given to the increased tonnage of the Port, which would be much inconvenienced by wanting the different wharves that extend below low water mark. I do not think any evil would arise by allowing all the wharves to be carried out below low water, if it was necessary to bring them in a line with each other, and also with the tide.

I think, in answer to the third query, that we have an example of a good method of constructing wharves, in those built by Messrs. Rankin & Co.; they are built close on the outside, and nothing which may be placed on them as ballast, can wash out and injure the Harbour.

I am, respectfully, your's, &c.

I. WOODWARD,

Port Warden.

To ROBERT F. HAZEN,
JOHN WARD, Jun. } Esquires.
DANIEL LEAVITT, }

No. 6.

MAYOR'S OFFICE—SAINT JOHN,

Tuesday, 14th November, 1837.

THOMAS ROBSON, EXAMINED.

Is Harbour Master of Saint John; has held that office since 1828, and has been doing the duties of that office since 1824—during part of which time the late Captain George Matthew was Harbour Master; has been acquainted with the harbour of Saint John since May, 1793, when he first came here; was at that time Master of a vessel, and followed that occupation till 1821, during that time was yearly at the Port, and latterly twice or three times in the year; that from his constant occupation since his first arrival in this place to this time, he has had every opportunity of knowing the nature of the tides of the harbour, the shores, beaches, flats, and every particular relating to them, and has paid every attention thereto; there were but few wharves built when he came; J. Pagan had a wharf and store on the south side of Horsfield's slip, now Peters' wharf, which extended about 60 or 80 feet west of the present west line of Saint John street—the South Market wharf extended as far as the east side of Ward street; the North wharf extended to the extent of Dingwall's property—no wharves extended farther into the harbour than these. Low water mark in 1793 and 1794 did not extend more than 40 feet from the east side of

Ward street ; there were no wharves to the southward of Pagan's wharf—it was a plain beach from Pagan's wharf round to Pagan's Point, and thence round the Lower Cove ; from the North Market Wharf northward there was no wharf except that erected on the M'George property, which was used as the Ordnance wharf, but it did not extend far into the harbour. The first projections of any extent into the harbour were the North and South Market wharves, and the wharf belonging to the Hon. C. J. Peters. In 1824, low water mark was not more than half way from Ward street to the end of the present South Market wharf, and since that period it has extended almost to the end of the South Market wharf. About the time of the erection of the North Market wharf, there was about twelve or fourteen feet of water at dead low water at the end of the wharf ; at this time there is not 5 or 6 feet depth at spring tides ; at the end of the South Market wharf at its erection, there was a like depth of water, and it is now quite as much reduced in depth—the extension of the wharves below low water mark is, in his opinion, the cause of the eddies filling up to such an extent ; it has had the effect of changing the natural course of the current of the harbour ; *there can be no doubt that the extension of wharves is the chief cause of the harbour filling up—but if the wharves had been properly constructed, the extending so far would not have caused such an increase to the shore.* Wharves should be fenced up on all sides with good timber, both inside and outside, so as to keep all the ballast that is placed in it, and no such ballast as gravel or sand should be allowed to be used—stone is the only fit material for the purpose ; every high tide at present washes out great quantities of the ballast, which is deposited on the bottom, and consequently makes addition to the shore. The hewing of timber is a cause of detriment to the harbour, by reason of the chips getting into the water it has injured the anchorage. The water in the bed or channel of the harbour and river has not decreased, but on each side of it where the vessels anchor for the purpose of loading, has decreased one half—it is dry ground on places where in 1794, five, six, and seven vessels swung with four fathoms at low water ; there is not now more than 8 feet at low water where there used to be 8 fathoms, and more particularly at the mooring ground off the North Market wharf ; unless some speedy remedy is applied, there will be no mooring ground to the Northward of the North Market wharf. There should be no more extensions by wharves made into the harbour on the east side, than mere-

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ly to form a certain line of wharves—the South Market wharf is as far as it ought to be to the West, and so is Peters' wharf—and from thence to the new wharf now in the course of erection by T. Pettingell; and no wharf on any account should be extended beyond that line—this line should form a curve; Gilbert's present erection is as far as it ought to be, and there should be a curve from the South Market wharf to Peters', touching Gilbert's—from Merritt's to Pettingell's, touching Hanford's. The Breakwater ought to be extended West in a block of 150 feet to the end of the present wharf, towards the direction of the Pest House at Carleton, and from thence in a straight line to the rock or reef to the Southward of the Ballast Wharf.

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No. 7.

Tuesday, 21st November, 1837.

JOSEPH HAMM,—Is a Master Mariner, and has been sailing out of the Port of Saint John since 1806, has been a Ship-Master twenty-two years, and two years a Portwarden, and has had every opportunity of examining the Harbour.—For the last twenty-five or twenty-seven years the Harbour has been filling up gradually, from many causes:—

First and principal cause,—from the manner in which the wharves have been extended below the line of low water.

2d. The mode of constructing the wharves is defective, as a great proportion of the ballast put into them, being sand, clay, and shingle ballast, washes into the Harbour.

3d. The immense quantity of Chips which are allowed to be thrown into the Harbour, from the Timber Ponds and Ship Yards. The Chips become water-soaked, then sink, and are completely covered with mud.

4th. The immense quantity of Ballast thrown over at the Breakwater, there being nothing there to prevent the Ballast thrown over from being carried about by the tide and deposited in other parts of the Harbour. Much of this Ballast drifts to the Foul Ground, and elsewhere, and tends to fill up the Western Channel.

In Deponent's opinion, in order to prevent any further detriment from the first cause, (the extension of Wharves,) a Line to which all Wharves should extend and beyond

which none should go, ought to be fixed. The Wharf at the upper part of the Harbour, owned by Messrs. Crookshank and Walker, might extend from sixty to one hundred feet beyond its present westerly extent, and from that the line should go to Reed's Point in as near a direct line as possible. The ends of the Wharves should be built in an angling direction, according to the line above named.

2. The Wharves should be so built as to prevent any Ballast washing out, and none but *Stone* Ballast should be used. The surface should be finished with Timber, instead of Gravel, as at present.

3. No Chips or Shavings should be thrown into the Harbour, and the Timber Ponds and Ship Yards should be regularly cleared of Chips and Shavings, so as to prevent their washing thereinto.

4. The present Breakwater is a decided nuisance. In order to remedy this evil, a Block should be built, extending from the end of the present wharf, southwardly, to the Reef, which should be solid, and both the old and new Wharves should be so fixed as to prevent any ballast that may be there deposited getting into the Harbour.

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No. 8.

Thursday, 4th January, 1838.

R. W. CROOKSHANK, Esquire, recommends fix-
ing a line of low water, and extent of wharves.

Friday, 5th January, 1838.

THOMAS REED.—The chief cause of the Harbour
filling, from Merritt's wharf to the head of it, is the exten-
sion of the wharves below low water mark, and also, the earth
and gravel put on the tops of the wharves, in time washes
into the Harbour. Is not aware of the hewing of timber
doing any mischief, by causing deposits of chips.

Wharves ought to be built close, and planked on the
inside, to prevent ballast washing out—none but stone bal-
last should be used for wharves.

Low water mark, at the present, should be ascertained
and fixed, as also the extension of wharves below that line.

Captain FAULKE agrees with the above, except the
planking of the wharves.

No. 9.

REPORT.

*To His Excellency Major General Sir JOHN HARVEY,
K. C. B. & K. C. H., Lieutenant-Governor and
Commander in Chief in and over the Province of
New-Brunswick, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

THE undersigned having been appointed in October, 1837, "to examine and report upon matters relating to the "Harbour of Saint John," respectfully beg leave to state, that they found it impossible to make any report prior to, or during the last meeting of the Legislature, and, owing to the state of health of the City Surveyor, the requisite measurements have only of late been furnished, and the sketch of the wharves completed.

The Report and Plan which the undersigned have the honour of presenting to Your Excellency, they confidently hope will be approved of. Without going into a variety of particulars, which will be found enlarged on by parties to whom we applied for their opinions, this Report and Plan

will point out the present low water mark in the parts of the Harbour mentioned, and also the range within which we would recommend all future erections to be confined, westwardly. The remaining parts of the Harbour, with Plans and Report, we will furnish to Your Excellency during the present year; but as the space between Portland Long Wharf and Saint James's-street, is the main, or, we may say, entire business range, we considered it desirable that that portion should at once be regarded and provided for by some enactment of the Legislature. In order that a full view of the subject may be had, we have put the various documents and evidence into the form of a pamphlet, together with a copy of this Report.

The line of low water mark, in ordinary tides, is indicated on the Plan by the dotted black line, shaded by blue, commencing at letter A, near the S. W. angle of Portland Long Wharf; thence following the marked line to where it disappears at Mr. Kirk's wharf, and commencing again on the eastern side thereof; thence along the said line to the south range of Mr. Crookshank's present wharf, at the distance of forty feet from its south-west angle on letter B.; thence following the line of such water mark, as shown on the plan, or intimated as passing through the various wharves, till it reaches the letter I. being the prolongation of the north line of Saint James's-street, carried westwardly to low tide range.

We also consider that the spaces between low water mark and the following described line, may be occupied by wharves, on the conditions hereinafter stated, and that the line to which such erections may extend, should not exceed the red line noted on the Plan, commencing at letter B., being at forty feet from the west end of Mr. Crookshank's wharf, (but allowing Mr. C. to build out his wharf square, and as far west as the south-west angle of the North Slip, marked *;) thence in a direct line to the south-west angle of Mr. Donaldson's wharf, at C.—No erections between C. and D. to extend beyond the present ranges, as these wharves are already too far out; thence again to commence at letter D. being eighty feet east from the south-west angle of Mr. Hatfield's wharf, and running to the south-west angle of Mr. Peters' wharf at letter E.; thence to the south-west angle of Mr. Merritt's wharf at letter F.; thence to the south-west angle of the late Dr. Paddock's wharf at letter G.; thence to the prolongation of the wharf marked Bonsall, at the distance of sixty feet west from its present south west-angle at letter H.;

thence to the letter I. at the prolongation of the north line of Saint James'-street, being one hundred and eighty-five feet from the west side of Prince William-street.

Parties building within the space above described between low water mark and the red line stated on the plan, should be bound,—

1st. To erect nothing on the same except wharves, which should, in all cases, be of squared timber, and close built, for the purpose of preventing stone, rubbish, or gravel from falling into the Harbour;—that only stone ballast should in any case be allowed, and that the tops of such wharves should be planked or timbered like the North and South Market Wharves;—also, that such wharves, to the extent of forty feet in an east and west line at the west end thereof, be forever kept free and open for vessels to repair to, and load and discharge at;—that no houses or stores should at any time be erected, and no lumber or goods of any sort be permitted to remain on such spaces, longer than they can conveniently be removed, and not in any case exceeding twenty-four hours.

2d. No wharves should be allowed to be built between Union and St. James's streets, on any spaces from the low water line to the red line, unless the water-property owners in each of the blocks where any party or parties may wish to build, should first arrange with the Mayor and Corporation of the City;—that at least two slips, of not less than 35 feet in width each, and 120 feet or more in length shall forever be kept open, as landing slips—with cartways leading through to the public streets, for each block or space contained between the East and West streets, viz. Union and King—King and Princess streets—Princess and Duke streets—Duke and Queen streets—Queen and St. James' streets.

3d. As the water-property owners between Duke street and St. James' street, would, were these views carried into effect, acquire much and valuable property, it would therefore be but proper that they should, in the first place, convey to the City a gift of fifty feet in width across their properties, in continuation of the present street called Water street, and extending from the South side of Duke street, to the North line of St. James' street, thus, erecting wharves Westwardly to the red line, being based on their opening such a street

for the public, and which would not only advantage the City, but vastly increase their own property in value.

The subscribers, had they been requested to prepare a Bill for the purpose of carrying out these views, would have done so ; but should your Excellency conclude to bring the matter before the Legislature, this deficiency can at once be remedied, and a Bill prepared by one of the Law Officers.

All of which is respectfully submitted.

R. F. HAZEN, Mayor,
JOHN WARD, Junr. } *Commissioners.*
DANIEL LEAVITT, }

L. DONALDSON, *Secretary.*

Saint John, N. B., 18th January, 1839.

MINUTES IN COMMON COUNCIL.

His Worship the Mayor submits a Copy of the Report of the Commissioners appointed by His Excellency the Lieutenant Governor, to inquire into and report upon the subject of the Harbour of Saint John, together with the Plan therein referred to, and the same having been read and considered,—*Resolved* that this Board do approve of the several suggestions of the Commissioners, therein set forth, with the exception of the limit beyond which no Wharf should be extended westwardly into the said Harbour, as exhibited on the said plan by the *Red Line*, which limit, in the opinion of this Board, should be altered and fixed so as to extend in a direct line from the point on the said plan marked B, at Mr. Crookshank's Wharf, to the south-west corner of Mr. Hatfield's Wharf, thence in a direct line to the southwest corner of Mr. Nehemiah Merritt's south Wharf, and thence in a direct line to the point on the said plan marked H, which is at low water mark, on the western prolongation of the south line of the Wharf of the late Mr. Bonsall; and that His Worship the Mayor be requested to mention the same to the Commissioners, and also to communicate the purport of this Resolution to His Excellency the Lieutenant Governor.

Extract from the Minutes.

JAMES PETERS, Jun.

Common Clerk.

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